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Justice's Curious Selection

Levi Guidelines Architect Placed in Key Role

On the very day that Atty. Gen. William French Smith issued his toughly worded speech on terrorism and subversion before the Los Angeles World Affairs Council, internal security experts at Justice were told that the controversial Mary C.



SMITH



YOUNG

Lawton had been tapped to head the critical Office of Intelligence and Review, which has sweeping powers over matters relating to U.S. intelligence activities.

Lawton, who now works in the White House's Office of Administration, will be drafting for Justice new CIA and FBI intelligence guidelines and will be deeply involved in the day-to-day decisions as to how the new Reagan Executive Order on intelligence will be interpreted.

Reportedly pushed for the job with Smith by Presidential Counsel Fred Fielding, the Lawton pick has stunned many in the security community because she was the chief drafter of the tainted Levi guidelines in 1976. During the Ford Administration, when Edward Levi was attorney general, Lawton was placed in charge of the Justice panel that drew up the restrictive regulations that have severely hobbled the FBI, the Secret Service and the Office of Personnel Management in their efforts to combat subversion.

Indeed, some experts insist that no more vital blow has been delivered against the government's capacity to defend itself than Lawton's handiwork.

So restrictive have been the guidelines that the FBI no longer collects even public information on many subversive and violence-prone groups. Two years ago, Rep. Bill Young (R.-Fla.), a member of the House Intelligence Committee, asked Paul Nugent, of the FBI's Terrorism Section, whether most organizational cases "have been closed since adoption of the guidelines in April 1976...." Nugent replied affirmatively.

"The Progressive Labor party," Young pressed, "has publicly proclaimed that they intend to take power in the United States by using 'armed struggle' and that they are engaged in a program of penetrating the Armed Forces.

"Now this information appears in *Progressive Labor Magazine*, their own magazine, that was published in the spring of 1978. Now... can the FBI collect public documents on a group like the Progressive Labor party...?" Nugent's response: "Absolutely not."

President Reagan's attempted assassin, John Hinckley, was identified as a member of the National Socialist party of America, a violence-prone neo-Nazi group. Yet this group is *not* monitored by the FBI. When we asked FBI public affairs official Ed Gooderham if the FBI kept the NSPA or similar neo-Nazi groups under surveillance, he responded with a blunt "No." When we asked why the FBI didn't monitor such groups, he said: "Because of the attorney general's guidelines, for one thing. We don't conduct investigations of political groups unless they have committed a crime. And if they have committed a crime, we investigate the individuals who have committed the crime [i.e., not the organization itself]."

Because of the guidelines—which are still in effect one year after the Reagan Administration assumed power—the FBI has been almost put out of the internal security business.

Moreover, Lawton was no mere "good soldier" for Levi. She enthusiastically embraced the guidelines, selling them with a certain gusto on the Hill. So well was her work thought of by the liberals that the Carter Administration kept her on at Justice where she continued to tout the guidelines to the Congress. Further, she campaigned to put the Levi/Lawton restrictions into legislative concrete through her support of the FBI Charter, which would have cemented the guidelines into permanent law. (Because the Charter did not pass, Atty. Gen. Smith, if he so decides, can alter the guidelines with a stroke of his pen.)

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